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tion is settled by section 2920, above quoted, and it is to be regretted that the court in construing the statute of limitations should have omitted all reference to that section, especially when the wording is as significant as it is. Its conclusion makes the action of the Legislature and of the eminent gentlemen who revised our Code appear to have been done with seemingly no purpose—a conclusion at which the courts at least are not permitted to arrive.

S. HETH TYLER.

Norfolk, Va.

WHAT IS THE JURISDICTIONAL AMOUNT OF THE COURT OF APPEALS OF VIRGINIA IN MATTERS MERELY PECUNIARY?

It has been generally assumed by the profession that since the new Constitution went into effect the jurisdictional amount of the Court of Appeals has been reduced from \$500 to \$300, and this has been taught as the law in one, at least, of the law schools of the State. But is it a fact that the amount necessary for appeal is now only \$300?

A careful reading of section 88, Art. 6, of the new Constitution will reveal several almost insuperable obstacles to the maintenance of this view. This section, after conferring *original* jurisdiction in *habeas corpus*, *mandamus* and *prohibition* cases, and *appellate* jurisdiction in cases involving the constitutionality of a law, and cases involving life and liberty, provides that, "it shall also have appellate jurisdiction in *such other cases* within the limits hereinafter defined *as may be prescribed by law*." Now what are the limits? "The court *shall not* have jurisdiction in civil cases where the matter in controversy, exclusive of costs, etc., . . . is less in value or amount than \$300." It does not say that the court *shall have* jurisdiction where the amount in controversy is \$300, but \$300 is the limit "hereinafter defined" within which the court has jurisdiction "*as prescribed by law*." The legislature has prescribed \$500 as the amount from which an appeal will lie. This is the amount "prescribed by law" until the General Assembly sees fit to change it. But when can the General Assembly change it? "After the year 1910 the General Assembly may change the jurisdiction of the court in matters *purely pecuniary*." Thus it would seem that not only is the amount fixed at \$500, but it is impossible for the legislature to change it prior to 1910.

The intention of the Convention in inserting these provisions was that \$300 should be the amount from which an appeal would lie in matters purely pecuniary, and that this should remain the jurisdictional amount until 1910 when the General Assembly might raise it if practical experience demonstrated that \$300 was too small, and the court became congested with this class of cases. The journal of the Convention does not throw any light on the matter as the section involved was passed without discussion by the body as a whole.

It seems clear this provision is not self-executing because its express language requires legislative action to give it effect. It says, "in such other

cases as may be prescribed by law." Hence it is not necessary to consider the great mass of learning on the question of constitutional provisions which are self-executing and those which are not.

OLIVER B. HARVEY.

September 15, 1903.

(NOTE.—The question as to whether the section of the Constitution of 1902 alluded to is or is not self-executing, is one upon which some difference of opinion exists in the profession. As we understand Mr. Harvey, he contends that the minimum jurisdiction in matters merely pecuniary is now \$500 and must so remain until 1910, and that after that year the General Assembly may make any change in that respect it may desire. We consider this an extreme view. The insuperable difficulty in the way of such a construction, is that it renders absolutely meaningless and nugatory the provision that the Supreme Court shall not have jurisdiction in matter merely pecuniary where the amount involved is less than \$300. We understand that the Committee on Code Revision of the present General Assembly, will present at the approaching November session a bill fixing the pecuniary limit of the jurisdiction of the Court of Appeals at three hundred dollars, and making the statute retroactive in its operation. We also understand that thus far no petition for appeal or writ of error in a case involving less than \$500 has been presented to the Court of Appeals, and therefore, that court will, probably, not be called to pass upon the question.—EDITOR VIRGINIA LAW REGISTER.)